UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,890	08/01/2003 Damon V. Danieli		MS1-1501US	3050
22801 LEE & HAYES	7590 03/19/201 S. PLLC	EXAMINER		
601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			TEKLE, DANIEL T	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			03/19/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

		Application No.	Applicant(s)				
Office Action Summary		10/632,890	DANIELI, DAMON V.				
		Examiner	Art Unit				
		DANIEL TEKLE	2621				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)☑	Responsive to communication(s) filed on <u>04 De</u>	ocember 2000					
•	• • • • • • • • • • • • • • • • • • • •						
2a)⊠ 3)□	, 						
3)[☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
	closed in accordance with the practice under £	x parte Quayle, 1955 C.D. 11, 4.	33 O.G. 213.				
Dispositi	on of Claims						
4)🛛	Claim(s) 32-43 is/are pending in the application	1.					
·—	4a) Of the above claim(s) is/are withdrawn from consideration.						
	Claim(s) <u>1-1-5</u> , <u>7-31</u> , <u>45-51</u> , <u>53-54</u> , <u>56-62</u> , <u>64-7</u>						
· · _ ·	· <u> </u>						
7)	Claim(s) is/are objected to.	<u>.</u> 10, a. 0 10 jobio a.					
8)□	Claim(s) are subject to restriction and/or	election requirement					
الــا(٥	are subject to restriction and/or	election requirement.					
Applicati	on Papers						
9)□	The specification is objected to by the Examine	r.					
-	The drawing(s) filed on is/are: a) acce		Examiner.				
7-7	Applicant may not request that any objection to the o						
			·				
11)	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
		animer. Note the attached office	7.00.011.01.1111.11.01.02.				
Priority ι	ınder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Notic 3) Inforr	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate				

DETALIED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 32-44 is rejected user 35 U.S.C. 101 because the claimed invention (on page 35 paragraph 2 of specification discloses "data structures or other data") is directed to non-statutory subject matter. The "computer-readable medium" can broadly interpret to include signal which is non-statutory subject matter.

"In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se."

In order to overcome this rejection examiner suggest replacing "computer-readable medium" with "non-transitory computer-readable medium"

Allowable Claim

Claims 1-1-5, 7-31, 45-51, 53-54, 56-62, 64-75 and 77-82 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/632,890 Page 4

Art Unit: 2621

/Marsha D. Banks-Harold/ Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/ Examiner, Art Unit 2621